

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES)	
)	
v.)	19-369
)	
LAFON ELLIS		

ORDER OF COURT

During a telephone conference with the parties on September 9, 2021, the Court and parties discussed the appointment of a special master to preside over the pending subpoena dispute presented by Defendant's Emergency Motion [ECF No. 163]. At that conference, neither party objected to the appointment of a special master in this instance, nor disagreed that the nature of the dispute warrants the addition of pertinent expertise. Moreover, the Court and the parties agreed that ensuring timely adjudication is important in this matter. Any special master appointment will be made pursuant to Fed. R. Civ. P. 53, made applicable to this matter by Fed. R. Crim. P. 57(b), as well as this Court's inherent authority to manage litigation. See, e.g., United States v. Black, No. 16-20032, 2016 U.S. Dist. LEXIS 164571, at *5 (D. Kan. Nov. 29, 2016).

Rule 53 provides that the parties be given notice and an opportunity to be heard prior to the appointment of a master, and that any party may suggest candidates for appointment. The parties are also advised that the Court maintains a potentially pertinent list at <https://www.pawd.uscourts.gov/ed-special-masters>. The Court and the parties are not limited to considering persons from the Court list; this material is provided solely for informational purposes in the event that it assists the parties. The Court has made no final determination regarding appointment.

By October 7, 2021, the parties shall confer regarding candidates for special master and file appropriate notice, within the following guidelines:

1. The parties shall confer regarding candidates and attempt to reach agreement as to suggested candidates. Should they reach agreement, they shall file a joint notice so apprising the Court.
2. If the parties cannot agree on any suggested candidate, the parties may file a joint notice identifying suggested candidates, identifying which party suggests each candidate and specifically stating the other party's objection thereto, if any.
3. Either party may opt not to suggest any candidate. In that event, the party shall file a notice apprising the Court that it opts not to suggest candidates.
4. Any submission identifying a suggested candidate shall include the candidate's curriculum vitae and fee schedule.

AND NOW, this 23rd day of September, 2021, IT IS SO ORDERED.

BY THE COURT:



Donetta W. Ambrose
Senior Judge, U.S. District Court